

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DARRYL G. BOWMAN,

Plaintiff,

v.

CITY OF LAS VEGAS DETENTION
CENTER,

Defendant.

Case No. 2:22-cv-00119-JAD-EJY

ORDER

I. DISCUSSION

On January 21, 2022, Plaintiff, an inmate in the custody of the Clark County Detention Center, submitted an application to proceed *in forma pauperis* and a motion for preliminary injunction. ECF Nos. 1, 2. Plaintiff has not submitted a complaint or a complete application to proceed *in forma pauperis*. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is incomplete because the Financial Certificate is not signed by Plaintiff and a prison official. Plaintiff also fails to include his inmate trust fund account statement for the past six months. Plaintiff's motion for preliminary injunction is not a complaint.

If the plaintiff is seeking to assert civil rights violations, he must submit his claims on the court approved form for filing a 42 U.S.C. § 1983 action. To proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, which allows an inmate who seeks to commence a civil action without prepaying the \$402 filing fee, an inmate/plaintiff must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

II. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that Plaintiff must file a complaint on or before **March 25, 2022.**

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

IT IS FURTHER ORDERED that Plaintiff must also file a complete application to proceed *in forma pauperis* containing all three of the required documents on or before **March 25, 2022.** Absent unusual circumstances, the Court will not grant any further extensions of time. A complete *in forma pauperis* application includes:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

If Plaintiff is unable to file a complaint and a complete application to proceed *in forma pauperis* with all three required documents on or before **March 25, 2022**, this case will be subject to dismissal without prejudice. A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a

1 complaint and has all three documents needed to submit with the application to proceed *in forma*
2 *pauperis*. Plaintiff is free to file a new case with the Court when Plaintiff is able to file a complaint
3 and acquire all three of the documents needed to file a complete application to proceed *in forma*
4 *pauperis*.

5 Dated this 27th day of January, 2022.

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7 ELAYNA J. YOUCHAK
8 UNITED STATES MAGISTRATE JUDGE
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